



CL-10358911-4979

AUG 1 1 2010

Julie L. Jones
Executive Director

2900 Apalachee Parkway
Tallahassee, Florida 32399-0800
www.flhsmv.gov

July 29, 2010

[Redacted]
Winter Garden, Florida [Redacted]

RE: Lexus of Orlando
COMPLAINT#: 27387

Dear [Redacted]

We have completed the investigation of your complaint against the above reference dealer. Unfortunately, the department has no statutory authority to take action against the dealer on this matter. After reviewing your complaint it has been determined that the National Highway Traffic Safety Administration will need to conduct the investigation.

We are forwarding your complaint to National Highway Traffic Safety Administration on your behalf and the complaint filed with our agency will be closed. We trust this information is useful to you.

The Department's website contains a wealth of information regarding agency services and programs available to the public. From our website, <http://www.flhsmv.gov>, you can renew your driver's license or vehicle registration, change your address, or update insurance information. Please take advantage of this convenient way to access information and do business with the Department. Great customer service is our goal, and we encourage you to give us feedback about your recent experience with the Department using the online customer satisfaction survey.

Sincerely,

Marie Smith
Field Supervisor

• Service • Integrity • Courtesy • Professionalism • Innovation • Excellence •
An Equal Opportunity Employer

Division of Motor Vehicles • Bureau of Field Operations • Region V
4101 Clarcona-Ocoee Road, Suite 160 • Orlando, Florida 32810 • Telephone 407-445-7400 • FAX 407-445-7411

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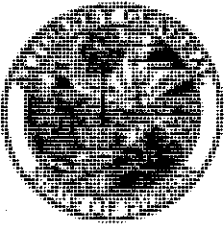
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OFFICE OF THE ATTORNEY GENERAL

Office of Citizen Services
The Capitol
Tallahassee, Florida 32399-1050

Telephone: (850) 414-3990
Fax: (850) 410-1630



BILL McCOLLUM
ATTORNEY GENERAL
STATE OF FLORIDA

May 18, 2010

[Redacted]

Winter Garden, Florida [Redacted]

Dear [Redacted]

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Florida Attorney General Bill McCollum received your correspondence regarding Lexus Toyota and an accelerator problem you experienced in 2004. Attorney General McCollum asked that I respond to you on his behalf. I am sorry for your difficulties.

I am forwarding your complaint to the Florida Department of Agriculture and Consumer Services (DACS). The DACS administers provisions of the Florida Motor Vehicle Repair Act (s. 559.903, Florida Statutes), and also serves as the state clearinghouse for all consumer complaints. You may call DACS at (850) 488-2221 or toll-free within Florida at (800) 435-7352.

I am also forwarding a copy of your correspondence to the Florida Department of Highway Safety and Motor Vehicles (DHSMV) licenses motor vehicle dealers in Florida. I am forwarding a copy of your letter to DHSMV for any information or assistance that agency may be able to provide to you. You may call DHSMV directly at (850) 617-2000 for further assistance.

In addition, you may also wish to contact the National Highway Traffic Safety Administration, which is a federal agency that operates an Auto Safety Hotline to address complaints involving automobile recalls and the safety of motor vehicles. You may reach this office at:

National Highway Traffic Safety Administration
Office of Defects Investigations/CRD
Auto Safety Hotline
NVS-216
1200 New Jersey Ave Southeast
Washington, D.C. 20590
Telephone: (800) 424-9393
Auto Safety Hotline: (888) 327-4236

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HEADQUARTERS

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I hope this proves helpful. If you would like to keep current with news on Attorney General McCollum's efforts to fight fraud please visit our website and subscribe to the Attorney General's weekly and monthly electronic newsletters at:

<http://myfloridalegal.com/NewsBrie.nsf/Subscriber>

Sincerely,



Frances Baker
Office of Citizen Services

cc: Department of Agriculture and
Consumer Services (w/enclosure)
Division of Consumer Services
2005 Apalachee Parkway
Tallahassee, Florida 32399

Florida Department of Highway Safety
and Motor Vehicles
2900 Apalachee Parkway
Tallahassee, Florida 32399

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Winter Garden
CS! Fr. [redacted]
Gute [redacted] 3.17.10

The Secretary,
Attorney General.
Sir or Madam,

I am writing about a Lexus 330 which had an accelerator problem. I bought this car Sept. 2004 April 17th 2007 I took the car in for its 30,000 miles checkup. I was given a loaner car for an hour. The brake fluid was low and the mechanic said the car was bearing to the right. I paid for the service.

April 26th I stopped at a church sisters house. No one answered the door so I decided to leave. As I changed the gear from park to reverse the car pumped into the link fence on the right and just kept going, even though my foot was on the brake. It took me on the scariest ride up the elevated side of Robinson St near Powers Dr.

It was only with prayer

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and calmness that I could steer the car against two large Cactus trees. The car then roled back and I could apply the hand brake.

Jimmy Bryant service dept had me tow the car in to them.


The assistant manager said I must have been on the accelerator.

The appraiser said he had to write what Lexus told him.

I warned them that their lying may cause other people's lives. In light of what has happened in recent years I now realize that the acceleration must have been stuck when I drove the car up to the house.

I called the service dept. and they wouldnt advise to have the system checked.

Thank you sincerely,



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Lexus of Orlando

305 N. Semoran Blvd
Winter Park, FL 32793
1-800-NEW-LEXUS

June 18, 2010

Mr. Pedro Rubert
Compliance Officer
Florida Department of Motor Vehicles
4101 Clarcona-Ocoee Road
Orlando, Florida 32810

██████████
Mr. Rubert,

This letter is an update to our telephone conversation on June 1st regarding Ms. ██████████ and her 2004 Lexus vehicle. As you may recall, ██████████ was concerned that a 2007 accident was related to “unintended acceleration” of her Lexus vehicle. Our Customer Service team immediately began trying to reach ██████████ but was not able to make contact for several days as she had been on vacation. Finally on June 7th, our Customer Service Manager, Rachel Webb, was able to speak with her at length regarding her vehicle concerns.

██████████ had an accident on April 26, 2007 with her 2004 Lexus ES330. Both the Florida Highway Patrol and her insurance company determined the accident was caused by pressing the gas pedal instead of the brake. However, ██████████ now believes this accident was a result of the same issue that Lexus is currently addressing in reference to “unintended acceleration” and would like for us to investigate. While her vehicle does not fall within the model years for the Unintended Acceleration Safety Campaign, we assured her that we would immediately provide her information to the Lexus headquarters in Torrance, California for review.

The Lexus Southern Area Customer Satisfaction representative contacted our dealership yesterday to let us know the procedure ██████████ should follow to insure a full review by Lexus. We then contacted ██████████ to advise her of the process. It is as follows:

- Advise customer to contact Lexus Customer Assistance Center (1-800-255-3987) to begin the investigation process
- Customer Connection case is opened and completes details

- Customer Connection Rep. assigns case to TMS Legal
- Legal reviews & forwards to the EAA (*Engineering Analysis Associates, Inc.*) Team within 24 hrs
- EAA contacts customer in 48 hrs to gather details of accident and vehicle location
- EAA will complete modified inspection at vehicle location
- EAA completes inspection within 10 business days and forwards results to TMS Legal
- From the date of inspections results, TMS Legal will respond to customer IN WRITING in 30 business days

While this may sound like a rather long process, I assure you that Lexus of Orlando will assist [REDACTED] every step along the way to make certain her concerns are fully addressed.

I appreciate you contacting me regarding this customer. Lexus of Orlando takes the safety of our customers very seriously.

Sincerely,

A handwritten signature in cursive script that reads "Cheryl Schmidt". The signature is written in black ink and includes a long horizontal flourish at the end.

Cheryl Schmidt
Vice President

STATE OF FLORIDA
Department of Highway Safety and Motor Vehicles

DIVISION OF MOTOR VEHICLES
Bureau of Field Operations - Region V
4101 Clarcona - Ocoee Road, Suite 160
Orlando, Florida 32810



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Office of Defects Investigations / CRD
Auto Safety Hotline
NVS-216
1200 New Jersey Avenue, Southeast
Washington, D.C. 20590

